

## **APPROVED DEVELOPMENT CONDITIONS**

**SE 2015-SU-034**

**September 21, 2016**

If it is the intent of the Board of Supervisors to approve SE 2015-SU-034, located at Brookfield Corporate Center, Tax Map 44-1((1))13B2 (the "Property"), to permit a combination of fast-food restaurants, eating establishments, and/or quick-service food stores, pursuant to Sect. 9-505 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance, by PDG Daly Drive, LLC, its successors and assigns (collectively the "Applicant"), with the following development conditions:

1. This Special Exception ("SE") is granted for and runs with the land indicated in this application, and is not transferable to other land.
2. This SE is granted only for the purpose(s), structure(s) and/or use(s) indicated on the SE Plat approved with this application, as qualified by these development conditions.
3. This SE is subject to the provisions of Article 17, Site Plans. Any plan submitted in conjunction with this approval shall be in conformance with the approved SE Plat, consisting of two (2) sheets, entitled "Special Exception for Brookfield Corporate Center Parcel 2", prepared by Stantec and dated October 23, 2015, as revised through September 15, 2016, and these conditions. Minor modifications to the approved SEA Plat may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. This SE shall permit a maximum of 7,911 square feet for a combination of fast-food, eating establishment, and/or quick-service food store uses, to be located within a portion of the building identified as 4500 Daly Drive, as shown on the SE Plat. The total permitted square-footage of all fast-food and quick-service food store uses shall not exceed 5,584 square feet of the 7,911 square-foot total (in order to limit trip generation from the proposed SE uses). Eating establishment uses may occupy any percentage of the maximum square-footage. Outdoor seating/dining for the proposed uses shall be permissible on the adjacent patio, provided adequate parking is provided, per the Zoning Ordinance.
5. Accessory Service Uses shall be permitted, as may be permissible by-right, in addition to any permitted SE uses.
6. By-right building-mounted signage shall be allowed in accordance with the Zoning Ordinance, including the possibility of an administrative sign plan to re-allocate sign area.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permits (Non-RUPs) through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception to permit a combination of fast-food, eating establishment, and/or quick-service food store uses, expires without notice, thirty (30) months after the date of approval unless, at a minimum, a Non-RUP has been obtained for at least one such use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator at least one month prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.